

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

In Re Kugel Mesh Hernia Patch Products Liability Litigation
Multidistrict Litigation (MDL 1842)

MDL DOCKET NO. 07-1842-ML
C.A. No. 07-190-ML
C.A. No. 07-191-ML

PRACTICE AND PROCEDURE ORDER NUMBER 1

1. This order shall govern the practice and procedure in actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to its order of June 22, 2007. This order shall also govern both the practice and procedure in any “tag-along” actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 7.4 of the Rules of Procedure of that Panel, and the following case originally filed in this court: Sonia Montiel, et al. v. Davol, Inc., et al., Civil Docket No. 07-064-ML.

2. The actions governed by this order, described in paragraph 1, are consolidated for pretrial purposes.

3. All papers filed in these actions shall bear the identification of MDL Docket No. 07-1842-ML, and when such paper relates to all these actions, the MDL docket number shall be followed by the notation “ALL CASES.” If such paper does not relate to all actions, the individual docket numbers assigned by the clerk of this court (as listed in Schedule A hereto) of the actions to which the paper relates shall be listed. If such paper relates to five or fewer actions, the abbreviated caption of each of the actions

may be listed opposite its number. Only the signed original of any pleading or paper shall be filed.

4. Any paper which is to be filed in any of these actions shall be filed with the clerk of this court and not with the transferor district court. The address is: One Exchange Terrace, Providence, RI 02903.

5. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this court.

6. The parties shall present to the court at the first pretrial conference a list of attorneys for purposes of service. Only one attorney for each party separately represented shall be included in such a list.

7. No parties to any of these actions shall be required to obtain local counsel in this district and the requirements of LR Gen 204 of the Local Rules of this court are waived as to any attorney appearing in these actions who is authorized to practice before any United States Court.

8. Hearings shall not be held on any motions filed except by order of the court upon such notice as the court may direct.

9. If counsel for more than one party plan to file substantially identical papers, they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.

10. Any orders, including protective orders previously entered by this court or any transferor district courts, shall remain in full force and effect unless modified by this court upon application.

11. All discovery proceedings in these actions are stayed until further order of


this court and the time requirements to perform any act or file any papers pursuant to Rule 26 through 37 of the Federal Rules of Civil Procedure are tolled until the first pretrial conference at which time a discovery schedule will be established.

12. The court will be guided by the Manual for Complex Litigation, Fourth, approved by the Judicial Conference of the United States. Counsel are directed to familiarize themselves with that publication.

13. The court will hold an initial pretrial conference on September 27, 2007 at 1:30 p.m. in the Jury Assembly Room, First Floor, U.S. Courthouse, One Exchange Terrace, Providence, Rhode Island. Any party who wishes to have an item placed on the agenda for this conference shall, on or before September 6, 2007, submit a letter to the clerk of court identifying the issue or issues that the party wishes to discuss. The court will release a proposed agenda for the conference on or before September 17, 2007.

14. Counsel in the following additional cases, originally filed in Rhode Island, shall attend the initial pretrial conference: Lynn Jones v. Davol Inc., et al., Civil Docket No. 07-190-ML; Bonnie Tompkins v. Davol Inc., et al., Civil Docket No. 07-191-ML. They should be prepared to discuss the consolidation of their cases with MDL Docket No. 07-1842-ML.

SO ORDERED:



Mary M. Lisi
Chief United States District Judge
July 3, 2007